



Kenya National Commission on Human Rights

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KNCHR concern over extra judicial killings in Changamwe

The Kenya National Commission on Human Rights (KNCHR) is once again constrained to make a public statement on yet another extrajudicial killing of three persons that happened yesterday (July 30th) in Changamwe Mombasa County. We have learned through eye witness reports in the media that the trio was gunned down at the Shell Petrol Station in Changamwe after they had obeyed an order by the police to surrender and lie flat on the ground. The police then proceeded to spray them with bullets as they lay prostrate and disarmed.

The Commission reiterates that the circumstances surrounding these shootings do not give rise to inspiration that the police are fighting crime within the four corners of the law. If indeed the police can show the trios were criminals as they allege, then the law ought to have been allowed to take its course. The Commission relentlessly supports wholeheartedly a most vigorous fight against crime and insecurity, and recognizes that there are situations where the police may use force within the framework of the law. Although the allegations made by the police against the trio are serious, the only forum where their veracity could have been legally tested is in a competent and open court of law.

The police say that these three were responsible for the deaths of others in Mombasa county and specifically recently slain foreign tourists. We have no reason to believe or disbelieve this, because no evidence has been forthcoming, and no one was brought before a court and charged for those murders. If the allegations are true, and if the police even knew who did the killings, this should have been a perfect opportunity to prove their success by bringing them to book by use of the law, and thereby resolving the case satisfactorily, and gathering useful information leading to the arrest and demobilization of other criminal outfits.

In the recent past there have been other reports of similar unfortunate incidents. A case is reported in Nairobi where a tout is said to have met his death after being violently yanked out of a moving vehicle by police after allegedly refusing to part with a 50

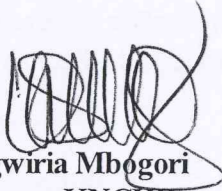
shillings bribe. In another case in Naivasha, it is reported that one person was shot by police who opened fire on a group of demonstrators at the Karagita area.

In the circumstances, these killings will now for ever remain unresolved, because there is no accused person to bring to court. The Commission calls upon the police to stop substituting extrajudicial killings for sound and professional investigations into crime. The three alleged criminals may doubtlessly have had valuable information on other crimes which the police squandered any opportunity of discovering.

The police have a constitutional obligation to respect and uphold human rights in the conduct of their duties. They must desist from breaking the law. We are confident that IPOA will investigate the circumstances surrounding these shootings and render to the public a true, honest and accurate account thereof, and bring any police officers who may have killed any person, innocent or guilty, in a manner other than that provided under the Law, to book.

Ends/...

Signed



Ms. Kagwiria Mbogori
Chairperson, KNCHR